

REMARKS

Claims 1 – 85 are currently pending, where claims 1, 25, 32, 57, and 78 are independent. The Examiner rejected claims 1, 2, 5 – 9, 23 – 26, 32, 35 – 39, 57, 58, 61 – 65, 78, 79, and 82 under §102(e) as anticipated by Kumar (U.S. Patent No. 6,434,367). Applicant disagrees with the Examiner's rejection, and offers the following remarks in response.

Claim 1 claims a method of controlling the transmit power of a mobile terminal in a mobile communication system. In particular, claim 1 requires that the mobile station vary the transmit power of signals transmitted on a first reverse link channel responsive to power control commands from a serving base station. Further, claim 1 requires that the mobile station vary the transmit power level of signals transmitted on a second reverse link channel responsive to power control commands from at least one non-serving base station. As such, claim 1 explicitly requires that the transmit power levels associated with different first and second reverse link channels be controlled based on commands from different base stations.

In rejecting claim 1, the Examiner erroneously asserts that column 5, lines 46 – 67, and column 6, lines 27 – 31, of Kumar teach the limitations of claim 1. Contrary to these assertions, the cited sections of Kumar simply teach conventional power control protocol according to cdma2000 standards. As understood by those skilled in the art, and as clearly described by Kumar, mobile stations operating according to cdma2000 standards receive power control commands from multiple base stations (serving and non-serving), and increase/decrease the transmit power for all reverse channel signals responsive to the combined effect of all of the received power control commands. For example, when all of the base stations request an increase, the mobile station increases the transmit power level for all of its reverse-channel signals. However, if any of the base stations requests a decrease, the mobile station decreases the transmit power level for all of its reverse-channel signals. Therefore, Kumar necessarily does not teach a mobile station that independently controls the transmit power for different

reverse link channels based on power control signals from different base stations. For at least these reasons, Kumar does not anticipate claim 1.

Independent claims 25, 32, 57, and 78 all include similar limitations. In particular, claim 25 requires power controlling first/second reverse link channels if the base station is/is not the serving base station. Claim 32 requires varying first and second transmit powers on different reverse channels (rate control and traffic) responsive to power control commands from a serving and non-serving base station, respectively. Claim 57 requires power control logic to vary a first transmit power level on first reverse link channels, and to vary a second transmit power level on second reverse link channels responsive to power control commands from serving and non-serving base stations, respectively. Lastly, claim 78 requires power control logic to generate power control commands for first or second reverse link channels if the base station is a serving or non serving base station, respectively. Therefore, for substantially the same reasons presented above, Kumar does not anticipate independent claims 25, 32, 57, and 78.

Because Kumar does not anticipate the independent claims, the dependent claims are necessarily patentable in view of Kumar. Therefore, the §102 and §103 rejections issued by the Examiner against dependent claims 2 – 24, 26 – 31, 33 – 56, 58 – 77, and 79 – 85 are moot.

The Examiner also objected to the drawings for failing to comply with 37 CFR §1.84(p)(5). In particular, the text of the specification references the base station with reference number 12, while Figure 1 references the base station with reference number 200. Applicant submits a replacement sheet for Figure 1. As shown in the replacement sheet, the base station of Figure 1 is now referenced with reference number 12. Applicant requests reconsideration and withdrawal of the objection.

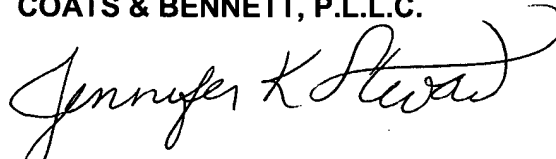
In light of the above remarks, Applicants submit that claims 1 – 85 are patentably distinct from the cited art. As such, Applicants respectfully request the Examiner reconsider the rejections and allow the application to move forward to allowance. While Applicants believe the

above addresses all of the issues presented in the pending office action, should any issues remain, Applicants request the Examiner call the undersigned so that such issues may be expeditiously addressed.

Respectfully submitted,

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Date: 1 March 2005